

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Craig Slavin (Reg#35,362) on 04/06/2010.

IN THE CLAIMS

Please amend claims 12-14 and 25 as follows:

12. The implantable microminiature ~~infusion pump of claim 8~~ system of claim 24 wherein ~~said reservoir, driver, pulse generator, control circuit, and data receiving circuit are all~~ at least a portion of the means for delivering at least one therapeutic substance and at least a portion of the means for delivering therapeutic electrical stimulation are housed within a pancake-shaped housing, ~~and wherein said at least two electrodes are spaced apart on said housing.~~

13. The implantable microminiature ~~infusion pump~~ system of claim 12 wherein ~~said at least one exit portal~~ at least a portion of the means for delivering at least one therapeutic substance is located ~~on the~~ on a circumferential edge of said housing.

14. The implantable microminiature ~~infusion pump of claim 13~~ further including ~~a multiplicity of exit portals~~ system of claim 12 wherein a plurality of portions of the means for delivering at least one therapeutic substance are spaced apart along the along a circumferential edge of said housing.

25. The implantable microminiature ~~infusion pump~~ system of claim 24 further including at least one lead attached to the implantable microminiature infusion pump and wherein at least a portion of the means for delivering therapeutic electrical stimulation are carried by the at least one lead. ~~, which leads include at least two electrodes for delivering the therapeutic electrical stimulation to the patient.~~

Allowable Subject Matter

Claims 12-14 and 24-25 are allowed over the prior art of record as amended in the reply filed 06/04/2008 and in this office action.

The following is an examiner's statement of reasons for allowance: The claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination the claimed device of an implantable microminiature infusion device that includes a reservoir for holding a therapeutic fluid or other substance and a driver, e.g., a pump, that delivers the therapeutic fluid or substance to a patient within whom the device is implanted. The device further includes at least two electrodes coupled to pulse generation circuitry, thereby allowing therapeutic electrical stimulation to also be delivered to the patient.

The closest prior art of record is Viani et al. (USPN5,374,285) and Flaherty et al. (USPN6,283,951), however these references do not disclose the device as claimed or described above.

Regarding claim 24, the closest prior art of record fails to teach among all the limitations or render obvious the specifics of the means for delivering a therapeutic substance and therapeutic electrical stimulation to the patient.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Koharski whose telephone number is 571-272-7230. The examiner can normally be reached on 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: 04/08/2010

/Christopher D Koharski/
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763